

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

LATRON REDOLOS WARE

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CR 111-270

O R D E R

In the captioned criminal matter, Defendant Latron Redolos Ware has filed a motion to vacate the enhanced portion of his sentence, citing Federal Rule of Criminal Procedure 36.

On April 19, 2013, Defendant pled guilty to one count of conspiracy to distribute 5 kilograms or more of cocaine hydrochloride and one count of conspiracy to commit money laundering. At sentencing, the offense level for the money laundering conviction was enhanced upon application of U.S.S.G. § 2S1.1(b)(2)(B). Through his present motion, Defendant complains the Court considered "impermissible evidence" in consideration and application of the enhancement. (Doc. 397, at 2.)

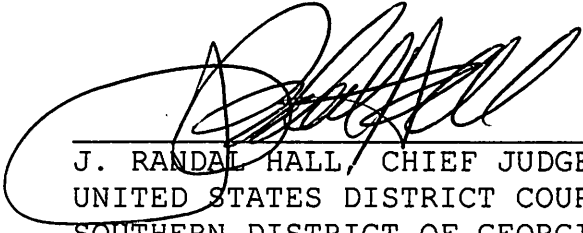
Rule 36 allows a court to correct "a clerical error" in a judgment. A clerical error, however, is a "minor uncontroversial error[]." United States v. Portillo, 363 F.3d 1161, 1164 (11th Cir. 2004). The rule may not be used "to make a substantive alteration to a criminal sentence." United States v. Pease, 331 F.3d 809, 816 (11th Cir. 2003). Here, Defendant is asking the

Court to make a substantive change to his sentence. He essentially challenges the legality of his sentence, which must be done through a motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255.

Defendant, however, has already filed a § 2255, which was denied on July 23, 2018. In order for Defendant to bring another § 2255 motion, he would have to move the Eleventh Circuit Court of Appeals for an order authorizing this Court to consider a second or successive § 2255 motion. See 28 U.S.C. §§ 2255, 2244(b)(3). Because Defendant has not acquired the necessary authorization to bring a successive § 2255 motion, this Court may not consider the merits of his motion.

Upon the foregoing, Defendant's motion to vacate under Rule 36 (doc. 397) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 14th day of August, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA